

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GREGORY A. DEERHEIM,
Plaintiff,
v.
MICHAEL J. ASTRUE,
Commissioner of Social
Security,
Defendant.)
) No. CV-11-41-JPH
) ORDER GRANTING STIPULATED
MOTION FOR REMAND
)
(ECF No. 21)
)

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings (**ECF No. 21**). Maureen J. Rosette represents plaintiff. Special Assistant United States Attorney Kathy Reif represents defendant. The parties have consented to proceed before a magistrate judge (ECF No. 7).

After considering the stipulated motion (ECF No. 21),

IT IS ORDERED that the **motion is GRANTED**. The case is **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. On remand the ALJ will:

1. update the record;

2. re-evaluate the opinion of Dennis Pollack, Ph.D., without considering Dr. Pollack's past opinions not included in the record; and

3. if necessary, revise the residual functional capacity assessment and re-evaluate steps four and five of the sequential

1 evaluation process.

2 Because this remand is pursuant to sentence four with a
3 remand to the Commissioner for further proceedings (see *Melkonyan*
4 v. *Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to
5 reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412
6 (a), (d), upon proper request to this Court.

7 **IT IS FURTHER ORDERED:**

8 1. The parties' stipulated motion for an order of remand
9 pursuant to sentence four (ECF No. 21) is **GRANTED**.

10 2. Judgment shall be entered for **PLAINTIFF**.

11 3. An application for attorney fees and costs may be filed by
12 separate motion.

13 4. The District Court Executive is directed to enter this
14 Order, enter judgment for Plaintiff, forward copies to counsel,
15 and **CLOSE** the file.

16 **IT IS SO ORDERED.**

17 **DATED** this 27th day of January, 2012.

18 _____
19 s/James P. Hutton
JAMES P. HUTTON
20 UNITED STATES MAGISTRATE JUDGE
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